

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATED TO:

*Track One-B Cases*

**MDL No. 2804  
Case No. 17-md-2804  
Judge Dan Aaron Polster**

**GIANT EAGLE, INC.'S AND HBC SERVICE COMPANY'S WITNESS LIST**

Pursuant to Federal Rule of Civil Procedure 26 and this Court's Track One-B Civil Jury Trial Order (Dkt. No. 3308), Giant Eagle, Inc. and HBC Service Company ("Giant Eagle") list and hereby disclose the following witnesses who may testify at trial on its behalf. Giant Eagle separately joins the Pharmacy Defendants' Joint Witness List and reserves the right to call and/or offer the testimony of the witnesses listed there on its behalf.<sup>1</sup>

In serving this witness list, Giant Eagle specifically reserves the right to amend, supplement, or otherwise modify these disclosures if new or modified information is provided at any point. Giant Eagle also reserves the right to supplement and/or amend its list as the result of ongoing depositions in this action. Giant Eagle also reserves the right to supplement and/or amend its list with any witnesses identified on any party's witness lists, including Plaintiffs' lists, as well as any party that later settles or is severed or dismissed. Giant Eagle further reserves the right to conduct a direct examination of any witness called by the Plaintiffs and/or to call additional witnesses not identified on this list, either live or by designation, that are submitted as part of current or future witness lists and/or deposition designations by any other party. Giant

---

<sup>1</sup> Giant Eagle separately joins Defendants' Joint Trial Witness List and reserves the right to offer the testimony of the witnesses listed there.

Eagle reserves the right to supplement and/or to amend this witness list in response to rulings of the Court on pretrial motions and to call additional witnesses, either live or by designation, to rebut Plaintiffs' case. Giant Eagle reserves the right to call any of these witnesses as live witnesses or by designation in its case in chief.

## **WITNESSES**<sup>2</sup>

### **A. Expert Witnesses**

1. Matthew Greimel, Former DEA Agent. Mr. Greimel is expected to testify about the opinions detailed in his expert report and on matters concerning his knowledge, skill, experience, education, and training.

2. Sandy Kinsey, Pharmacist, Pharmacy Management Consultant. Ms. Kinsey is expected to testify about the opinions detailed in her expert report and on matters concerning her knowledge, skill, experience, education, and training.

### **B. Fact Witnesses<sup>3</sup>**

1. Larry Baldauf, Former Giant Eagle Vice President. Mr. Baldauf is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, distribution operations at the company.

2. Fred Bencivengo, Giant Eagle Ohio Pharmacy District Leader. Mr. Bencivengo is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, controls for orders placed to Giant Eagle warehouses and the operations and controls at Giant Eagle pharmacies.

---

<sup>2</sup> Unless specifically noted, Giant Eagle reserves the right to call any witness live at trial. Giant Eagle additionally reserves the right to present the deposition testimony of any witness listed herein, where permitted by any applicable rules, orders of the Court, or agreement of the parties.

<sup>3</sup> By including both current and former employees on this witness list, Giant Eagle does not admit or otherwise concede each such potential witness is under Giant Eagle's control. Nor does Giant Eagle admit or concede that it is able to require such employees or former employees to appear for trial in this case, by subpoena or otherwise.

3. Mike Bianco, Jr., Giant Eagle Director of Pharmacy Contracting. Mr. Bianco is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, corporate-level pharmacy operations and controls at Giant Eagle.

4. Bonnie Borchers, Former Giant Eagle Analyst and Pharmacy Business Associate. Ms. Borchers is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, her due diligence work.

5. Greg Carlson, Former Giant Eagle Vice President. Mr. Carlson is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, corporate-level pharmacy operations at Giant Eagle.

6. Michael Chappell, Giant Eagle Vice President. Mr. Chappell is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, corporate-level pharmacy operations at Giant Eagle.

7. George Chunderlik, Former Giant Eagle Manager. Mr. Chunderlik is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited, to Giant Eagle's corporate-level pharmacy operation and compliance with the Controlled Substances Act and its regulations.

8. James Cornwell, Giant Eagle Manager of Pharmacy Support. Mr. Cornwell is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, Giant Eagle's automated SOM systems.

9. Walter Durr, Giant Eagle Warehouse Manager. Mr. Durr is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, Giant Eagle's warehouse operations and controls.

10. Angela Garofalo, Giant Eagle Ohio Pharmacy District Leader. Ms. Garofalo is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, controls for orders placed to Giant Eagle warehouses and the operations and controls at Giant Eagle pharmacies.

11. Randy Heiser, Former Giant Eagle Vice President. Mr. Heiser is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, corporate-level pharmacy operations at Giant Eagle.

12. Douglas Holly, Giant Eagle Pharmacy Team Leader. Mr. Holly is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, operations at Giant Eagle pharmacies.

13. Nathan Hughes, Giant Eagle Analyst. Mr. Hughes is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, Giant Eagle's automated SOM systems and corporate-level pharmacy operations.

14. Jill Jenson, Giant Eagle IT Employee. Ms. Jenson is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, the creation of Giant Eagle's automated SOM systems.

15. Robert McClune, Giant Eagle Vice President. Mr. McClune is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, Giant Eagle's automated SOM systems, distribution operations, warehouse operations, and corporate-level pharmacy operations.

16. Joseph Millward, Former Giant Eagle Senior Manager. Mr. Millward is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, corporate-level pharmacy operations, including compliance, at Giant Eagle.

17. Anthony Mollica, Former Giant Eagle Vice President. Mr. Mollica is expected to testify about corporate-level pharmacy operations at Giant Eagle.

18. Jason Mullen, Former Giant Eagle Analyst in Loss Prevention. Mr. Mullen is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, due diligence on pharmacy orders at Giant Eagle.

19. Philip Raub, Giant Eagle Corporate Pharmacy Manager. Mr. Raub is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, corporate-level pharmacy operations at Giant Eagle, including inventory, compliance, and distribution.

20. Matthew Rogos, Former Giant Eagle Warehouse Manager. Mr. Rogos is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, Giant Eagle's warehouse operations and controls.

21. Holly Taylor, Giant Eagle Pharmacy Team Leader. Ms. Taylor is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, operations at Giant Eagle pharmacies.

22. Gene Tommasi, Former Giant Eagle Vice President. Mr. Tommasi is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, distribution and retail operations at Giant Eagle.

23. James Tsipakis, Giant Eagle 30(b)(6) Corporate Representative, and Giant Eagle Executive Vice President and President of Pharmacy. Mr. Tsipakis is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, Giant Eagle's corporate-level pharmacy operations.

24. Kayla Voelker, Former Giant Eagle IT Employee. Ms. Voelker is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, Giant Eagle's automated SOM systems.

25. Fred Weaver, Giant Eagle Pharmacy Team Leader. Mr. Weaver is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, operations at Giant Eagle pharmacies.

26. Adam Zakin, Former Giant Eagle Director. Mr. Zakin is expected to testify concerning matters related to the claims and defenses in this action, including, but not limited to, corporate-level pharmacy operations at Giant Eagle, including inventory and distribution.

27. Brendan Astley, M.D.<sup>4</sup> Dr. Astley is expected to testify concerning matters related to his background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

28. Teresa Dews, M.D. Dr. Dews is expected to testify concerning matters related to her background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

29. Ruben Escuro, M.D. Dr. Escuro is expected to testify concerning matters related to his background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

30. Anne Grantham, M.D. Dr. Grantham is expected to testify concerning matters related to her background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

---

<sup>4</sup> The doctors listed in Nos. 27 to 37 are third parties with whom Giant Eagle has had no contact in connection with this case.

31. Andrew Haas, Jr., M.D. Dr. Hass, Jr. is expected to testify concerning matters related to his background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

32. Louis Keppler, M.D. Dr. Keppler is expected to testify concerning matters related to his background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

33. Patrick Litam, M.D. Dr. Litam is expected to testify concerning matters related to his background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

34. Mark Panigutti, M.D. Dr. Mr. Panigutti is expected to testify concerning matters related to his background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

35. William Stanfield, M.D. Dr. Mr. Stanfield is expected to testify concerning matters related to his background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

36. Van Warren, M.D. Dr. Warren is expected to testify concerning matters related to his background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

37. Robert Zanotti, M.D. Dr. Zanotti is expected to testify concerning matters related to his background; employment; experiences, including the prescribing of opioid medications; and the claims in this litigation.

Dated: September 21, 2020

/s/ Robert M. Barnes

Robert M. Barnes  
Scott D. Livingston

Joshua A. Kobrin  
MARCUS & SHAPIRA, LLP  
35<sup>th</sup> Floor, One Oxford Centre  
301 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 471-3490  
Fax: (412) 391-8758  
E-mail: [rbarnes@marcus-shapira.com](mailto:rbarnes@marcus-shapira.com)  
E-mail: [livingston@marcus-shapira.com](mailto:livingston@marcus-shapira.com)  
E-mail: [kobrin@marcus-shapira.com](mailto:kobrin@marcus-shapira.com)

*Attorneys for Giant Eagle, Inc., and HBC  
Service Company*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 21, 2020, the foregoing was served via the Court's ECF system to all counsel of record.

/s/ Robert M. Barnes

Robert M. Barnes  
MARCUS & SHAPIRA, LLP  
35<sup>th</sup> Floor, One Oxford Centre  
301 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 471-3490  
Fax: (412) 391-8758  
E-mail: [rbarnes@marcus-shapira.com](mailto:rbarnes@marcus-shapira.com)

*Attorney for Giant Eagle, Inc., and HBC Service Company*